



Mary-Ann Warmerdam
Director

Department of Pesticide Regulation



Arnold Schwarzenegger
Governor

Yolo County Pesticide Regulatory Program 2006/2007 Performance Evaluation Report

**California Environmental Protection Agency
Department of Pesticide Regulation
1001 I Street
Sacramento, California 95814**

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Performance Evaluation of Yolo County Agricultural Commissioner Pesticide Use Enforcement Program

This report provides a performance evaluation of Yolo County Agricultural Commissioner's (CAC's) pesticide use enforcement (PUE) program for fiscal year (FY) 2006-2007. The assessment evaluates the performance of goals identified in the CAC's Enforcement Work Plan (EWP) as well as the program's adherence to Department of Pesticide Regulation (DPR) standards as described in the Pesticide Use Enforcement Standards Compendium.

I. Summary Report of Core Program Elements

A) Restricted Materials Permitting

The restricted materials permitting program element was found to meet DPR standards and EWP goals.

B) Compliance Monitoring

The compliance monitoring program element was found to meet DPR standards and EWP goals.

C) Enforcement Response

The enforcement response program element was found to meet DPR standards and EWP goals.

Summary Statement:

Yolo CAC's pesticide use program is currently effective.

II. Assessment of Core Program Effectiveness and Work Plan Goals

A) Restricted Materials Permitting

1) Permit Issuance

The Yolo CAC permit issuance procedures and performance were evaluated through observation and interviews of relevant staff and found to conform to DPR standards and expectations. The Yolo biologists that issue permits all possess Pesticide Regulation and Investigation and Environmental Monitoring licenses. The DPR evaluation determined that permits are:

- Issued only to qualified applicants;
- Signed by authorized persons;
- Issued for time periods allowed by law; and that
- Permit amendments follow approved procedures.

2) Site Evaluation

The Yolo CAC site evaluation procedures were evaluated through observation, record review, and interviews of relevant staff and found to conform to DPR standards and expectations. The CAC issued 708 agricultural permits and 21 non-agricultural permits during FY 2006/2007. The county reviewed 3,222 Notice of

Intents (NOIs) and issued 164 Operator Identification Numbers during FY 2006/2007. The permits:

- Contained the necessary information;
- Identified treatment areas and sensitive areas that could be adversely impacted by the permitted uses; and
- Identified mitigation measures and included conditions that addressed known hazards.

The CAC staff adequately evaluated permits and determined if the use of feasible alternatives was required. The program reviews all NOIs in a timely manner and adequately monitored agricultural and nonagricultural permits utilizing pre-application site evaluations and use monitoring inspections.

B) Compliance Monitoring:

1) Inspections

The Yolo CAC permit inspection procedures and performance were evaluated through DPR oversight inspections and record review and found to conform to DPR standards and expectations. All biologists that possess Pesticide Regulation and Investigation and Environmental Monitoring licenses perform inspections. Inspections are performed according to the inspection strategy documented in the CAC's EWP. Inspections are performed according to DPR policies and procedures and inspection reports are complete and comprehensive. The inspections adequately provide the information necessary to successfully prosecute violations. The CAC does have an issue associated with making time for the DPR Enforcement Branch Liaison (EBL) to meet with the CAC's biologists to conduct oversight inspections during the year, but their enforcement program is excellent when non-compliances are discovered.

Inspections performed by the CAC were found to:

- Adequately address label, law and regulatory requirements;
- Include interviews of employers and employees as appropriate;
- Adequately document violations; and
- Include appropriate follow-up inspections and procedures.

2) Investigations

The Yolo CAC's investigation procedures and performance were evaluated through observation, record review, and interviews of relevant staff and found to conform to DPR standards and expectations. The CAC investigates all complaints and completes most of their reports in a timely manner. The CAC has had an issue with the timely completion of Illness Investigations beyond the 120-day submission period that they are trying to correct. The CAC refers and/or notifies DPR and other agencies as required. Investigations are thorough and complete and submitted on approved forms and in the approved format. The investigations document violations and the CAC collects evidence according to DPR standards. The investigations adequately provide the information necessary to successfully prosecute violations.

C) Enforcement Response:

The Yolo CAC's enforcement response was evaluated through observation, record review, and interviews of relevant staff and found to conform to DPR standards and expectations. Yolo County has an excellent enforcement program and has created an Enforcement Criteria decision tree (reviewed by the EBL) that follows the Enforcement Response Regulations (ERRs) to ensure consistent enforcement is maintained. The CAC's enforcement program was found to:

- Initiate the appropriate action when violations are identified;
- Sufficiently support compliance, enforcement and public protection actions;
- Ensure that due process requirements are met when taking an enforcement or permit action or when initiating a private applicator certification or registration refusal/revocation.

The CAC levies fines in the appropriate category, adheres to statutory time frames and follows DPR policies when imposing civil penalties on employees.

III. Recommended Corrective Actions

1. Schedule more time with biologists to meet with the EBL for oversight inspections; and
2. Ensure that Illness Investigations are completed in a timely manner and sent to DPR or that an extension is requested from DPR when they need more time to complete an investigation.

IV. Non-Core and Desirable Activities

There are no non-core activities that are separate and not associated with the core programs conducted by the county other than employee training conducted in both English and Spanish.